

exceptions raise the question of the liability of the said Stockett for interest on the several sums paid by him into court, under its sanction, whilst they have remained uninvested.

Looking to the decision of the late Chancellor, in *Jones vs. Stockett*, 2 *Bland*, 424, 425, and to the circumstances under which the payments were made, I do not think that Richard G. Stockett should be charged with interest as suggested by the Auditor.

It is understood that no decision is expected at this time in regard to the credit claimed by Stockett for payments on account of fees and taxes.

A question was also presented, and the opinion of the court asked, with respect to the costs which may have accrued upon the proceedings instituted by Larkin Shipley, under the order of the 29th of July, 1846. It is my opinion, that inasmuch as these proceedings were expressly authorized by the said order, the party for whose benefit they were instituted will, if they prove successful, be entitled to his costs, as is usual in other cases. The opinion of the court upon the last question is expressed only because the solicitors on both sides asked for it.

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[With reference to the bill for the foreclosure of the mortgage, the Chancellor, on the 30th of July, 1847, delivered the following opinion.]

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THE CHANCELLOR :

This bill is filed for the sale of certain premises which had been mortgaged by the defendant to Larkin Shipley, on or about the 18th of September, 1821, for the purpose of securing the payment of a sum of money therein mentioned.

This debt, by certain proceedings in the Court of Chancery, described in the bill, became and was constituted a part of the trust fund, to be held by Wayman, one of the present plaintiffs, and the defendant, Stockett, in trust for the complainant, Shipley, for life, with remainder to the persons mentioned in the proceedings. It appears by the Auditor's report of the 8th of July, 1847, that divers sums for interest and principal have